APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,829	02/05/2004	Robert S. Cooper	114.0005	6010

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/772,829	COOPER ET AL.
	Examiner	Art Unit
	DAVID KOVACEK	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2008*.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to applicant's Amendment and Request for

Continued Examination, filed 04/15/2008, in which the applicant amends the claims and

submits arguments for patentability over the prior art.

Response to Amendment

2.   The applicant's amendments to **claims 1** and **11** have been considered and are

accepted. It is noted by the examiner that formal acceptance of the conditions of the

claims is not an indication of allowability of the claims over the prior art. Appropriate

rejections are included in this Office Action in the relevant sections below.

Response to Arguments

3.   Applicant's arguments with respect to **claims 1** and **11** have been considered but

are moot in view of the new ground(s) of rejection.

        It is noted by the examiner that the arguments are directed to the amended forms

of **claims 1** and **11**.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.   **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cohen (US Patent 6,560,576), cited in the previous Office Action, in view of US Patent

6,144,938, hereinafter referred to as Surace.

Regarding **claim 1**, Cohen discloses a voice [speech] recognition system

comprising:

- a plurality of modules for receiving voice inputs from
a user and performing services in response (Fig. 1, item 2; Fig. 2; Col. 4,
lines 13-15; Col. 4, lines 31-32; Col. 4, lines 53-57); and

- a prompt selection module [voice browser] for selecting a
prompt for presentation to a user (Col. 3, lines 26-31; Fig. 4; Fig. 5), the
module being operative to identify an experience level of a user
and select a prompt appropriate to the user's experience level
(Col. 5, lines 48-55).

Cohen further renders obvious the limitation of selection of prompts

tending to favor the presentation of more abbreviated prompts to

users with greater experience levels in disclosing the selection of a prompt

appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an

example of a situation where the system is operable to accept abbreviated commands

from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

To modify Cohen's teachings to accommodate a more experienced user with

abbreviated help prompts is obvious because the system is designed to allow for

abbreviated input and therefore it is within the expectation of success of one of ordinary

skill in the art to allow for abbreviated output to increase the efficiency of help prompts

for experienced technical users. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teachings of

Cohen to include abbreviated output prompts in addition to the existing abbreviated

input command options in order to facilitate more efficient usage of the system for an

experienced user.

Cohen further suggests the limitation of `selection of prompts tending`
`to favor the presentation of more abbreviated prompts to users`
`with greater experience levels` in disclosing the selection of a prompt

appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an

example of a situation where the system is operable to accept abbreviated commands

from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

While Cohen does not explicitly disclose, Surace discloses `the prompt`
`selection module` [personality engine] `being operative to identify an`
`experience level of a user relating to a user's relative`
`familiarity or unfamiliarity with the function being performed`
[expert/novice rules; particular user's expertise based on...the user's experience] `and`
`select a prompt appropriate to the user's experience level,`
`selection of prompts tending to favor the presentation of more`
`abbreviated prompts to users with greater experience levels` [less

helpful prompting; outputs prompts of an appropriate length]   (Col. 1, lines 61-63; Col. 9, lines 09-24; Claims 29, 66).

Surace further discloses the limitation of a prompt being a message from the system to the user calling for a user input appropriate to the function being performed [context-sensitive], the prompt indicating the function being performed [informing user of present state] (Col. 4, lines 29-33; Col. 5, lines 31-48; Col. 9, lines 47-57; Col. 10, lines 47-59).

The two references are combinable because each is directed to a dialogue management system accessible via telephone network. Surace further provides motivation to combine the references in disclosing the usefulness of a variety of dialogue personalities in order to increase the user's awareness of the conditions of system operation (Col. 3, lines 23-36).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen using the teachings of Surace in order to implement a dialogue management system accessible via telephone network that utilizes dialogue personalities in order to increase the user's awareness of the conditions of system operation.

Regarding **claim 2**, Cohen in view of Surace teaches all limitations of **claim 1** as applied above, and Cohen further discloses that the selection of a prompt is based upon the module and function being used (Col. 5, lines 48-55; Col. 5, line 63-Col. 6, line 10; Col. 6, lines 33-37).

Regarding **claim 3**, Cohen in view of Surace teaches all limitations of **claim 2** as applied above, and Cohen further discloses a module incorporating a prompt selection module to select prompts for that module (Col. 5, lines 63-67; Col. 6, lines 1-5; Col. 6, lines 7-10; Col. 6, lines 33-37).

It is noted by the examiner that Cohen only discloses a module in the context of the embodiment of a voice browser. It is additionally noted by the examiner that though Cohen does not explicitly state the existence of a prompt selection module, the disclosure of prompt selection inherently requires some implementation to achieve this. It is further noted that any such implementation would be considered synonymous with the broadest reasonable interpretation of a "prompt selection module" by one of ordinary skill in the art.

Regarding **claim 4**, Cohen in view of Surace teaches all limitations of **claim 3** as applied above, and Cohen further discloses prompt selection for each module identifies the function for which prompting is needed and selects from among prompts associated with that function (Col. 5, lines 63-67; Col. 6, lines 1-5).

It is noted by the examiner that this is inherently required of any implementation that is operable to determine a user's first use of a feature as disclosed by Cohen.

Regarding **claim 5**, Cohen in view of Surace teaches all limitations of **claim 4** as applied above, and Cohen further discloses user information indicating the user's proficiency in using the system (Col. 5, lines 49-55).

It is noted by the examiner that this limitation is inherently required of any system that is operable to distinguish the user as being of "novice" or "expert" skill level as disclosed by Cohen.

Regarding **claim 6**, Cohen in view of Surace teaches all limitations of **claim 5** as applied above, and Cohen further discloses information indicating the user's proficiency includes information indicating the user's proficiency with each function that is available to the user (Col. 5, lines 49-55; Col. 8, lines 11-15).

It is noted by the examiner that this limitation is inherently required of any system that is operable to distinguish the user as being of "novice" or "expert" skill level with regard to a particular function as disclosed by Cohen.

Regarding **claim 7**, Cohen teaches all limitations of **claim 6** as applied above, and further discloses information indicating a function usage tally for each function indicating a number of times the user has successfully employed the function (Col. 5, lines 63-67; Col. 6, lines 1-10; Col. 6, lines 33-37; Col. 8, lines 11-15; Col. 8, lines 22-23; Col. 8, lines 53-64).

It is noted by the examiner that "dialog state", as determined in Cohen, is understood to be an exchange of data between the user and an active module. This will be the definition of "dialog state" applied throughout the remainder of this document.

It is further noted by the examiner that Cohen's disclosure of a "usage history that tracks the dialog states of the user" (Col. 8, lines 12-13) would be understood by one of ordinary skill in the art to include data regarding each of the functions used. One of ordinary skill in the art would interpret a "function usage tally" to be a subset of this data.

Regarding **claim 8**, Cohen in view of Surace teaches all limitations of **claim 7** as applied above, and Cohen further discloses the prompt selection being used employs the function usage tally for a function to determine a user experience category for the user with respect to that function (Col. 5, lines 50-51; Col. 5, lines 63-65; Col. 8, lines 22-23; Col. 8, lines 11-15).

It is noted by the examiner that this is explicitly disclosed in Cohen by regarding any user with a functional usage tally indicating less than one use of a given function to belong to the "novice" experience category.

Regarding **claim 9**, this claim is very similar to **claim 8** and is rejected for the same reasons.

Regarding **claim 10**, Cohen in view of Surace teaches all limitations of **claim 9**

as applied above, Cohen and additionally discloses the prompt selection selects a

prompt associated with the user experience category (Col. 5, lines 50-55).

Regarding **claim 11**, Cohen discloses a prompt selection comprising:

- identifying a module and function being employed when

a need for user prompting arises (Col. 5, lines 50-55);

- identifying a user experience level for the function

relating to the user's relative familiarity or unfamiliarity

with the function (Col. 5, lines 50-55; Col. 5, line 63-Col.6, line 11; Col. 6, lines

33-37); and

- selecting a prompt appropriate for the user experience

level for the function (Col. 5, lines 50-55; Col. 5, line-Col. 6, line 11; Col. 6,

lines 33-37).

It is noted by the examiner that the identification of the employed module and

function is inherent in the disclosure of Cohen as applied above for **claim 4**. It is further

noted by the examiner that identifying a user experience level for a function is inherent

in the disclosure of Cohen as applied for **claims 5** and **6** above.

Cohen further suggests the limitation of selection of prompts tending

to favor the presentation of more abbreviated prompts to users

with greater experience levels in disclosing the selection of a prompt

appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an

example of a situation where the system is operable to accept abbreviated commands

from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

    While Cohen does not explicitly disclose, Surace discloses `selecting a`

`prompt appropriate to the user's experience level for the`

`function` [output of prompts according to expert/novice rules]... `selecting a`

`prompt tending to favor the presentation of more abbreviated`

`prompts to users with greater experience levels` [less helpful

prompting] `while favoring the presentation of more elaborate`

`prompts providing greater detail about the nature of input`

`needed for users with lower experience levels` [outputs prompts of an

appropriate length] (Col. 1, lines 61-63; Col. 9, lines 09-24; Claims 29, 66)`.`

    Surace further discloses the limitation of the `prompt being a message`

`from the system to the user calling for a user input appropriate`

`to the function being performed` [context-sensitive]`, the prompt to the`

`user indicating the function being performed` [informing user of present

state] (Col. 4, lines 29-33; Col. 5, lines 31-48; Col. 9, lines 47-57; Col. 10, lines 47-59)`.`

    The two references are combinable because each is directed to a dialogue

management system accessible via telephone network. Surace further provides

motivation to combine the references in disclosing the usefulness of a variety of

dialogue personalities in order to increase the user's awareness of the conditions of

system operation (Col. 3, lines 23-36).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen using the teachings of Surace in order to implement a dialogue management system accessible via telephone network that utilizes dialogue personalities in order to increase the user's awareness of the conditions of system operation.

Regarding **claim 12**, Cohen in view of Surace teaches all limitations of **claim 11** as applied above, and Cohen further discloses the step of identifying the user experience level is followed by a step of identifying the user as belonging to a particular experience category and the step of selecting a prompt includes selecting a prompt associated with the experience category to which the user belongs (Fig. 4; Fig. 5; Col. 5, lines 50-55; Col. 8, lines 65-66; Col. 9, lines 22-23).

It is noted by the examiner that this limitation is inherent in the disclosure of Cohen as illustrated for **claims 5, 6,** and **8** above.

Regarding **claim 13**, Cohen in view of Surace teaches all limitations of **claim 12** as applied above, and Cohen further discloses the identifying the user experience category for a function includes examining user information for that function (Col. 8, lines 11-15; Col. 8, lines 65-66; Col. 9, lines 22-23), the user experience information for the function includes a function usage tally indicating a number of times the function has been successfully invoked by the user (Col. 5, lines 49-51; Col. 8, lines 11-15; Col. 8, lines 52-53).

Regarding **claim 14**, Cohen in view of Surace teaches all limitations of **claim 13** as applied above, and Cohen further discloses that identifying the user experience category for a function includes assigning the user to an experience category associated with a range of unction usage tally values within which the user's function usage tally for the function falls (Col. 5, lines 49-55).

It is noted by the examiner that this limitation is inherent to the disclosure of Cohen as illustrated for **claims 8** and **9** above.

Regarding **claim 15**, Cohen in view of Surace teaches all limitations of **claim 14** as applied above, and Cohen further discloses updating the user information for each function whenever the user successfully invokes the function (Col. 8, lines 11-15; Col. 8, lines 52-53).

It is noted by the examiner that one of ordinary skill of the art would consider "usage history" as disclosed by Cohen to be updated upon any changes in relevant data, including the successful usage of a function by the user.

Regarding **claim 16**, this claim is very similar to **claim 15** and is rejected for the same reasons.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

- Byrne (US Patent Application 2004/0179659) teaches a dynamic voice
  interface operable to provide different prompts based upon the user's
  experience as recorded in a user history.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to DAVID KOVACEK whose telephone number is
(571)270-3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DMK/, 04/25/2008

/David R Hudspeth/

Supervisory Patent Examiner, Art Unit 2626